

## **R430-90-6, R430-50-6. OUTDOOR ENVIRONMENT.**

### **Licensed Family 90-6, and Residential Certificate 50-6:**

**(1) There shall be an outdoor play area for children that is safely accessible to children.**

#### **Rationale / Explanation**

*The purpose of this rule is to prevent injury to children or a child escaping en route to the outdoor play area. A playground is considered safely accessible if it directly adjoins the home, if there is a sidewalk leading from the home to the playground, or another way to ensure that the route from the home to the playground is free of potential hazards.*

#### **Enforcement**

*The purpose of this rule is to ensure that children do not access streets, parking lots, ditches, etc. when going to the playground. The licensee/certificate holder can meet this rule by:*

- having an outdoor play area that is directly adjacent to the home or property.*
- having the entire area that holds both the home and the outdoor play area fenced, provided the area inside the fence does not include driveways.*
- having an outdoor play area that can be accessed via a sidewalk, if the sidewalk does not pass through a parking lot, or near a busy street or water hazard.*

*If children must use unsafe or broken stairs, or walk across an unsafe deck with broken boards/holes in it to access the outdoor play area, the outdoor play area will not be considered safely accessible.*

*Level 2D Noncompliance if the outdoor play area is not safely accessible.*

*Level 3C Noncompliance if there is no outdoor play area for children.*

### **Licensed Family 90-6:**

**(2) The outdoor play area shall have at least 40 square feet of space for each child using the space at one time.**

### **Residential Certificate 50-6:**

**(2) For certificate holders who receive an initial certificate after 1 September 2008, the outdoor play area shall have at least 40 square feet of space for each child using the space at one time.**

#### **Rationale / Explanation**

*The purpose of this rule is to allow children safe freedom of movement during active outdoor play.*

#### **Enforcement**

*This measurement is usually taken, and capacity determined, at the time of initial licensure. It is normally not re-measured on subsequent licensing visits, unless the outdoor play area appears overly crowded during the visit.*

*This includes all children actually using the outdoor child care space at one time including the provider's children ages 4-12.*

*Always Level 3D Noncompliance.*

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### **Licensed Family 90-6:**

- (3) The outdoor play area shall be enclosed within a 4 foot high fence or wall, or within a solid natural barrier that is at least 4 feet high if:
- (a) the licensee's home is located on a street with a speed limit higher than 25 miles per hour, or within half a mile of a street with a speed limit higher than 25 miles per hour; or
  - (b) the licensee's home is located on a street with more than two lanes of traffic, or within half a mile of a street with more than two lanes of traffic.

### **Residential Certificate 50-6(3):**

- (3) The outdoor play area shall be enclosed within a 4 foot high fence or wall, or within a solid natural barrier that is at least 4 feet high if:
- (a) the certificate holder's home is located on a street with a speed limit higher than 25 miles per hour, or within half a mile of a street with a speed limit higher than 25 miles per hour; or
  - (b) the certificate holder's home is located on a street with more than two lanes of traffic, or within half a mile of a street with more than two lanes of traffic.

### **Rationale / Explanation**

*The purpose of this rule is to prevent children from leaving the outdoor play area and to prevent their access to streets and other hazards. It also serves to keep unwanted people and animals out of the outdoor play area. CFOC, pg. 255 Standard 5.169; pg. 257 Standard 5.178*

### **Enforcement**

*For the purposes of this rule, roads include railroads.*

*The Licensing Specialist will assess compliance with this rule by taking at least 4 different measurements of the fence height and averaging them. This means if a fence is short in one section by a very small amount, such as an inch, but overall it averages 4 feet in height, the fence will be considered in compliance.*

*Level 1B Noncompliance: If there is no fence or barrier at all, or there is a complete fence or barrier, but it is less than 3 feet high.*

*Level 3D Noncompliance otherwise.*

### **Licensed Family 90-6:**

- (4) If any of the following hazards exist, they must be located behind a 4 foot high fence, wall, or solid barrier that separates the hazard from the children's outdoor play area:
- (a) livestock on the licensee's property or within 50 yards of the licensee's property line;
  - (b) a water hazard, such as a swimming pool, pond, ditch, lake, reservoir, river, stream, creek, or animal watering trough, on the licensee's property or within 100 yards of the licensee's property line;
  - (c) dangerous machinery, such as farm equipment, on the licensee's property or within 50 yards of the licensee's property line;
  - (d) a drop-off of more than five feet on the licensee's property or within 50 yards of the licensee's property line; or
  - (e) barbed wire within 30 feet of the children's play area.

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### **Residential Certificate 50-6:**

- (4) If any of the following hazards exist, they must be located behind a 4 foot high fence, wall, or solid barrier that separates the hazard from the children's outdoor play area:
- (a) livestock on the certificate holder's property or within 50 yards of the certificate holder's property line;
  - (b) a water hazard, such as a swimming pool, pond, ditch, lake, reservoir, river, stream, creek, or animal watering trough, on the certificate holder's property or within 100 yards of the certificate holder's property line;
  - (c) dangerous machinery, such as farm equipment, on the certificate holder's property or within 50 yards of the certificate holder's property line;
  - (d) a drop-off of more than 5 feet on the certificate holder's property or within 50 yards of the certificate holder's property line; or
  - (e) barbed wire within 30 feet of the children's play area.

### **Rationale / Explanation**

*The purpose of this rule is to prevent children from leaving the outdoor play area and to prevent their access to streets and other hazards. It also serves to keep unwanted people and animals out of the outdoor play area. CFOC, pg. 255 Standard 5.169; pg. 257 Standard 5.178*

### **Enforcement**

*The Licensing Specialist will assess compliance with this rule by taking at least 4 different measurements of the fence height and averaging them. This means if a fence is short in one section by a very small amount, such as an inch, but overall it averages 4 feet in height, the fence will be considered in compliance.*

*Level 1B Noncompliance: If there is no fence or barrier at all, or there is a complete fence or barrier, but it is less than 3 feet high.*

*Level 3D Noncompliance otherwise.*

### **Licensed Family 90-6, and Residential Certificate 50-6:**

- (5) The outdoor play area shall be free of poisonous plants, harmful objects, toxic or hazardous substances, and standing water.

### **Rationale / Explanation**

*The purpose of this rule is to prevent injury to children and the spread of disease.*

*Proper maintenance of outdoor play areas and outdoor play equipment is a key factor in ensuring a safe play environment for children. Each outdoor play area is unique and requires a routine maintenance check program developed specifically for that outdoor play area. CFOC, pgs. 262-263 Standard 5.194*

*Examples of harmful objects and substances include: broken toys or equipment, equipment with rusty or sharp edges, wood with splinters, glass, tools, pesticides, fertilizers, and any other object labeled "keep out of reach of children."*

*Standing water is a drowning hazard. Small children can drown within 30 seconds in as little as 2 inches of water. In addition, standing water is breeding grounds for mosquitos, which can spread disease. CFOC, pgs.*

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112-113, Standard 3.045; pg. 266 Standard 5.202

### **Enforcement**

*If dangerous items accessible to children are listed in R430-90-12(4) or R430-50-12(4), cite that rule, not this one. This rule should be used for dangerous items not specifically mentioned in other rules.*

*For the purposes of this rule:*

- *Standing water includes two inches or more of standing water in wading pools when not in use and supervised, ponds, fountains, or other outdoor water features, and buckets or other containers of water a child's head could fit in (unless small containers are being used as part of a supervised project, such as painting on the sidewalk with water). Covered containers such as a pond with a grate on top of it are not a water hazard.*
- *Harmful objects include:*
  - *unanchored swings or unanchored large metal slides that come off the ground when in use*
  - *raised decks or balconies 5' or higher, or open basement stairwells, without a protective barrier that a child cannot get through (at least 3' high, and no gaps greater than 5")*
  - *window wells more than 24 inches deep without a cover*
  - *asbestos*
  - *refrigerators or freezers a child could accidentally get shut inside of*
  - *welding torches*
  - *motor vehicles up on blocks*
  - *exposed live electrical wire*
  - *strangulation hazards such as rope or wire long enough to encircle a child's neck that is hanging from a secure item such as a tree, fence, etc. (This does not include jump ropes or ropes suspending swings.)*
  - *unstably stacked wood piles bales of hay or straw*
  - *dead animals*
  - *filled milk or slop buckets*
  - *unattended running vehicles or farm equipment*
  - *standing ladders*

*If there are poisonous plants cite R430-90-12(4)(e) or R430-50(4)(e), not this rule.*

*If there are toxic or hazardous substances cite R430-90-12(4)(d) or R430-50(12)(4)(d), not this rule.*

*If there is a balcony, raised deck, or stairwell that requires a barrier, and the barrier has a gap greater than 5", cite R430-90-6(10) or R430-50-6(10), not this rule.*

*Always Level 2B Noncompliance for harmful objects.*

*Always Level 1D Noncompliance for standing water.*

### **Licensed Family 90-6, and Residential Certificate 50-6:**

**(6) When in use by children, the outdoor play area shall be free of trash and animal excrement.**

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### **Rationale / Explanation**

*The purpose of this rule is to prevent injury to children and the spread of disease.*

*Proper maintenance of outdoor play areas and outdoor play equipment is a key factor in ensuring a safe play environment for children. Each outdoor play area is unique and requires a routine maintenance check program developed specifically for that outdoor play area. CFOC, pgs. 262-263 Standard 5.194*

*For the purposes of this rule:*

- *Trash means a buildup of trash, not a few pieces of paper garbage.*
- *Animal excrement does not include isolated bird droppings.*

### **Enforcement**

*Always Level 3D Noncompliance.*

### **Licensed Family 90-6, and Residential Certificate 50-6:**

**(7) If a wading pool is used:**

- (a) a provider must be at the pool supervising each child whenever there is water in the pool;**

### **Rationale / Explanation**

*The purpose of this rule is to minimize the risk of spreading disease through shared wading pool water, and to prevent drowning. Small children can drown within 30 seconds in as little as 2 inches of water. CFOC, pgs. 112-113, Standard 3.045; pg. 269 Standard 5.213*

*The licensee/certificate holder should check with their local health department before allowing children to use a wading pool, because some local health departments prohibit the use of wading pools in child care facilities. R430-90-8(2) requires licensees to comply with local laws and rules such as these. R430-50-8(2) requires certificate holders to comply with local laws and rules such as these.*

### **Enforcement**

*Level 1B Noncompliance if infants and toddlers are using the pool.*

*Level 1D Noncompliance if only pre-school and school-aged children are using the pool.*

### **Licensed Family 90-6, and Residential Certificate 50-6:**

**(7) If a wading pool is used:**

- (b) diapered children must wear swim diapers and rubber pants whenever they are in the pool;**

### **Rationale / Explanation**

*The purpose of this rule is to minimize the risk of spreading disease through shared wading pool water. CFOC, pg. 269 Standard 5.213*

*The licensee/certificate holder should check with their local health department before allowing children to use a wading pool, because some local health departments prohibit the use of wading pools in child care facilities. R430-90-8(2) requires licensees to comply with local laws and rules such as these. R430-50-8(2) requires*

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*certificate holders to comply with local laws and rules such as these.*

### **Enforcement**

*Always Level 2D Noncompliance.*

### **Licensed Family 90-6, and Residential Certificate 50-6:**

#### **(7) If a wading pool is used:**

- (c) the pool shall be emptied and sanitized after each use; and**

### **Rationale / Explanation**

*The purpose of this rule is to minimize the risk of spreading disease through shared wading pool water, and to prevent drowning. Small children can drown within 30 seconds in as little as 2 inches of water. CFOC, pgs. 112-113, Standard 3.045; pg. 269 Standard 5.213*

*The licensee/certificate holder should check with their local health department before allowing children to use a wading pool, because some local health departments prohibit the use of wading pools in child care facilities. R430-90-8(2) requires licensees to comply with local laws and rules such as these. R430-50-8(2) requires certificate holders to comply with local laws and rules such as these.*

### **Enforcement**

*Level 3D Noncompliance if the pool is not sanitized after each use.*

*Cite as a water hazard R430-90-6(5), or R430-50-6(5) if the pool is not emptied after each use.*

### **Licensed Family 90-6:**

#### **(7) If a wading pool is used:**

- (d) before each child in care uses the pool, the licensee shall obtain parental permission for the child to use the pool.**

### **Residential Certificate 50-6:**

#### **(7) If a wading pool is used:**

- (d) before each child in care uses the pool, the certificate holder shall obtain parental permission for the child to use the pool.**

### **Rationale / Explanation**

*The purpose of this rule is to minimize the risk of spreading disease through shared wading pool water. CFOC, pg. 269 Standard 5.213*

*The licensee/certificate holder should check with their local health department before allowing children to use a wading pool, because some local health departments prohibit the use of wading pools in child care facilities. R430-90-8(2) requires licensees to comply with local laws and rules such as these. R430-50-8(2) requires certificate holders to comply with local laws and rules such as these.*

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### **Enforcement**

*Always Level 3D Noncompliance.*

#### **Licensed Family 90-6, and Residential Certificate 50-6:**

- (8) If there is a swimming pool on the premises that is not emptied after each use:
- (a) a provider must be at the pool supervising each child whenever a child in care is using the pool or has access to the pool;

### **Rationale / Explanation**

*The purpose of this rule is to prevent both injury and drowning. Most children drown within a few feet of safety, and drowning is one of the leading causes of unintentional injury to children under 5 years of age. CFOC, pg. 6 Standard 1.005, pg. 257 Standard 5.176; pgs. 264-265 Standard 5.198; pgs. 267-270 Standards 5.204, 5.205, 5.206, 5.207, 5.208, 5.209, 5.210, 5.215, 5.216, 5.217, 5.218.*

### **Enforcement**

*Always Level 1B Noncompliance.*

#### **Licensed Family 90-6, and Residential Certificate 50-6:**

- (8) If there is a swimming pool on the premises that is not emptied after each use:
- (b) diapered children must wear swim diapers and rubber pants whenever they are in the pool;

### **Rationale / Explanation**

*The purpose of this rule is to minimize the risk of spreading disease through shared wading pool water, and to prevent drowning. Small children can drown within 30 seconds in as little as 2 inches of water. CFOC, pgs. 112-113, Standard 3.045; pg. 269 Standard 5.213*

### **Enforcement**

*Always Level 2D Noncompliance.*

#### **Licensed Family 90-6:**

- (8) If there is a swimming pool on the premises that is not emptied after each use:
- (c) the licensee shall ensure that children in care are protected from unintended access to the pool in one of the following ways:
    - (i) the pool is enclosed within a fence or other solid barrier at least four feet high that is kept locked whenever the pool is not in use by any child in care; or
    - (ii) the pool has a properly working power safety cover that meets ASTM Standard F1346, and the power safety cover is in place whenever the pool is not in use by any child in care;

#### **Residential Certificate 50-6:**

- (8) If there is a swimming pool on the premises that is not emptied after each use:
- (c) the certificate holder shall ensure that children are protected from unintended access to the pool in one of the following ways:
    - (i) the pool is enclosed within a fence or other solid barrier at least four feet high that is kept locked whenever the pool is not in use by any child in care; or



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- (ii) the pool has a properly working power safety cover that meets ASTM Standard F1346, and the power safety cover is in place whenever the pool is not in use by any child in care;

### **Rationale / Explanation**

*The purpose of this rule is to prevent both injury and drowning. Most children drown within a few feet of safety, and drowning is one of the leading causes of unintentional injury to children under 5 years of age. CFOC, pg. 6 Standard 1.005, pg. 257 Standard 5.176; pgs. 264-265 Standard 5.198; pgs. 267-270 Standards 5.204, 5.205, 5.206, 5.207, 5.208, 5.209, 5.210, 5.215, 5.216, 5.217, 5.218.*

### **Enforcement**

*The Licensing Specialist will assess compliance with this rule by taking at least 4 different measurements of the fence height and averaging them. This means if a fence is short in one section by an inch or less, but overall it averages 4 feet in height, the fence will be considered in compliance.*

*Always Level 1B Noncompliance.*

### **Licensed Family 90-6:**

- (8) If there is a swimming pool on the premises that is not emptied after each use:
  - (d) the licensee shall maintain the pool in a safe manner;

### **Residential Certificate 50-6:**

- (8) If there is a swimming pool on the premises that is not emptied after each use:
  - (d) the certificate holder shall maintain the pool in a safe manner;

### **Rationale / Explanation**

*This rule is intended to address problems which are not already addressed in other child care licensing or residential certificate rules, but which jeopardize children's well-being.*

### **Enforcement**

*This rule is cited only when there is not another licensing or residential certificate rule that addresses a problem. The noncompliance level depends on the problem. The Bureau will compare the seriousness of the problem with the noncompliance levels of the most similar child care licensing rules. Check with the Bureau Director before citing this rule.*

### **Licensed Family 90-6:**

- (8) If there is a swimming pool on the premises that is not emptied after each use:
  - (e) the licensee shall meet all applicable state and local laws and ordinances related to the operation of a swimming pool;

### **Residential Certificate 50-6:**

- (8) If there is a swimming pool on the premises that is not emptied after each use:
  - (e) the certificate holder shall meet all applicable state and local laws and ordinances related to the operation of a swimming pool;



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### **Rationale / Explanation**

*This rule is intended to address problems which are not already addressed in other child care licensing or residential certificate rules, but which involve the violation of a federal, state, or local law or administrative rule of another agency that applies to the operation of a child care facility.*

### **Licensed Family 90-6:**

- (8) If there is a swimming pool on the premises that is not emptied after each use:
- (f) if the pool is over six feet deep, there shall be a Red Cross certified life guard on duty, or a lifeguard certified by another agency that the licensee can demonstrate to the Department to be equivalent to Red Cross certification, any time any child in care has access to the pool; and

### **Residential Certificate 50-6:**

- (8) If there is a swimming pool on the premises that is not emptied after each use:
- (f) if the pool is over six feet deep, there shall be a Red Cross certified life guard on duty, or a lifeguard certified by another agency that the certificate holder can demonstrate to the Department to be equivalent to Red Cross certification, any time any child in care has access to the pool; and

### **Rationale / Explanation**

*The purpose of this rule is to prevent both injury and drowning. Most children drown within a few feet of safety, and drowning is one of the leading causes of unintentional injury to children under 5 years of age. CFOC, pg. 6 Standard 1.005, pg. 257 Standard 5.176; pgs. 264-265 Standard 5.198; pgs. 267-270 Standards 5.204, 5.205, 5.206, 5.207, 5.208, 5.209, 5.210, 5.215, 5.216, 5.217, 5.218.*

### **Enforcement**

*Always Level 1D Noncompliance.*

### **Licensed Family 90-6:**

- (8) If there is a swimming pool on the premises that is not emptied after each use:
- (g) before each child in care uses the pool, the licensee shall obtain parental permission for the child to use the pool.

### **Residential Certificate 50-6:**

- (8) If there is a swimming pool on the premises that is not emptied after each use:
- (g) before each child in care uses the pool, the certificate holder shall obtain parental permission for the child to use the pool.

### **Rationale / Explanation**

*The purpose of this rule is to minimize the risk of spreading disease through shared wading pool water. CFOC, pg. 269 Standard 5.213*

### **Enforcement**

*Always Level 3D Noncompliance.*

## **R430-90-6, R430-50-6. OUTDOOR ENVIRONMENT.**

### **Licensed Family 90-6:**

- (9) If there is a hot tub on the premises with water in it, the licensee shall ensure that children in care are protected from unintended access to the hot tub in one of the following ways:
- (a) it shall have a properly working locking cover that is kept locked whenever there is any child in care on the premises; or
  - (b) it shall be surrounded by a four foot fence.

### **Residential Certificate 50-6:**

- (9) If there is a hot tub on the premises with water in it, the certificate holder shall ensure that children in care are protected from unintended access to the hot tub in one of the following ways:
- (a) it shall have a properly working locking cover that is kept locked whenever there is any child in care on the premises; or
  - (b) it shall be surrounded by a four foot fence.

### **Rationale / Explanation**

*The purpose of this rule is to prevent both injury and drowning. Most children drown within a few feet of safety, and drowning is one of the leading causes of unintentional injury to children under 5 years of age. CFOC, pg. 6 Standard 1.005, pg. 257 Standard 5.176; pgs. 264-265 Standard 5.198; pgs. 267-270 Standards 5.204, 5.205, 5.206, 5.207, 5.208, 5.209, 5.210, 5.215, 5.216, 5.217, 5.218.*

### **Enforcement**

*Level 1B if there is no closed cover or fence and there is water in the hot tub.*

*Level 1D Noncompliance otherwise.*

### **Licensed Family 90-6, and Residential Certificate 50-6:**

- (10) If a fence is required in Subsections (3), (4) or (9)(b), there shall be no gap greater than five inches in the fence, nor shall any gap between the bottom of the fence and the ground be greater than five inches.

### **Rationale / Explanation**

*The purpose of this rule is to prevent children from escaping through gaps in a fence, thus defeating the purposes of the fence as explained in subsection (3) above. CFOC, pg. 255 Standard 5.169; pg. 257 Standard 5.178*

*The 5" measurement is based on the diameter of a small toddler's head.*

### **Enforcement**

*Always Level 1B Noncompliance.*

### **Licensed Family 90-6:**

- (11) Licensees licensed prior to 1 September 2008 who do not have a fence as required by Subsections (3), (4), or (9)(b) shall have until 1 September 2011 to meet this requirement.

### **Residential Certificate 50-6:**

- (11) Certificate holders who were issued a certificate prior to 1 September 2008 who do not have a fence

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as required by Subsections (3), (4), or (9)(b) shall have until 1 September 2011 to meet this requirement.

### **Rationale / Explanation**

*The purpose of this rule is to prevent children from leaving the outdoor play area and to prevent their access to streets and other hazards. It also serves to keep unwanted people and animals out of the outdoor play area. CFOC, pg. 255 Standard 5.169; pg. 257 Standard 5.178*

### **Licensed Family 90-6, and Residential Certificate 50-6:**

**(12) The outdoor play area shall have a shaded area to protect each child from excessive sun and heat.**

### **Rationale / Explanation**

*The purpose of this rule is to prevent both sunburn and heat exhaustion.*

*It can take less than 10 minutes for a child's skin to burn, and it is estimated that 80% of a person's lifetime sun damage occurs before the age of 18. Individuals who suffer severe childhood sunburns are an increased risk for skin cancer. CFOC, pg. 257 Standard 5.177*

*Children do not adapt to extremes in temperature as effectively as adults. Children produce more metabolic heat per mass unit than adults when walking or running. They also have a lower sweating capacity and cannot dissipate heat by evaporation as quickly. CFOC, pgs. 51-52 Standard 2.009*

### **Enforcement**

*Shade can come from trees, awnings, patio roofs or other structures, or the side of the home or other structure such as a garage or shed or another home.*

*Level 3B Noncompliance: Except in cold weather when children are mostly covered by cold weather clothing.*

*Level 3D Noncompliance: In cold weather when children are mostly covered by cold weather clothing.*

### **Licensed Family 90-6, and Residential Certificate 50-6:**

**(13) An outdoor source of drinking water, such as individually labeled water bottles or a pitcher of water and individual cups that are taken outside, shall be available to each child whenever the outside temperature is 75 degrees or higher.**

### **Rationale / Explanation**

*The purpose of this rule is to prevent dehydration and heat exhaustion. Children do not adapt to extremes in temperature as effectively as adults. Children produce more metabolic heat per mass unit than adults when walking or running. They also have a lower sweating capacity and cannot dissipate heat by evaporation as quickly. CFOC, pgs. 51-52 Standard 2.009*

*The purpose of the requirement for individually labeled water bottles or individual drinking cups is to prevent the spread of disease.*

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### **Enforcement**

*Level 2B Noncompliance: If children do not have access to water outdoors and the temperature is 90 degrees or higher.*

*Level 3D Noncompliance otherwise.*

### **Licensed Family 90-6:**

- (14) If there is a trampoline on the premises that is accessible to any child in care, the licensee shall ensure compliance with the following requirements:
- (a) A provider must be at the trampoline supervising its use whenever any child in care is on the trampoline.

### **Residential Certificate 50-6:**

- (14) If there is a trampoline on the premises that is accessible to any child in care, the certificate holder shall ensure compliance with the following requirements:
- (a) A provider must be at the trampoline supervising its use whenever any child in care is on the trampoline.

### **Rationale / Explanation**

*Trampolines pose serious safety hazards. The CPSC estimates that in 1998 95,000 injuries associated with trampolines were treated in hospital emergency rooms. About 75% of the victims are under 15 years of age, and 10% are under 5 years of age. The hazards that result in injuries and deaths include:*

- Falling or jumping off the trampoline.*
- Falling on the trampoline springs or frame.*
- Colliding with another person on the trampoline.*
- Landing improperly while jumping or doing stunts on the trampoline.*

### **Enforcement**

*This rule includes above-ground trampolines and built into the ground trampolines.*

*Always Level 2B Noncompliance.*

### **Licensed Family 90-6:**

- (14) If there is a trampoline on the premises that is accessible to any child in care, the licensee shall ensure compliance the following requirements:
- (b) Only one person at a time may use a trampoline.

### **Residential Certificate 50-6:**

- (14) If there is a trampoline on the premises that is accessible to any child in care, the certificate holder shall ensure compliance the following requirements:
- (b) Only one person at a time may use a trampoline.

### **Rationale / Explanation**

*Trampolines pose serious safety hazards. The CPSC estimates that in 1998 95,000 injuries associated with trampolines were treated in hospital emergency rooms. About 75% of the victims are under 15 years of age, and*

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10% are under 5 years of age. The hazards that result in injuries and deaths include:

- Falling or jumping off the trampoline.
- Falling on the trampoline springs or frame.
- Colliding with another person on the trampoline.
- Landing improperly while jumping or doing stunts on the trampoline.

### **Enforcement**

*This rule includes above-ground trampolines and built into the ground trampolines.*

*Always Level 2B Noncompliance.*

### **Licensed Family 90-6:**

(14) If there is a trampoline on the premises that is accessible to any child in care, the licensee shall ensure compliance the following requirements:

- (c) No child in care shall be allowed to do somersaults or flips on the trampoline.

### **Residential Certificate 50-6:**

(14) If there is a trampoline on the premises that is accessible to any child in care, the certificate holder shall ensure compliance the following requirements:

- (c) No child in care shall be allowed to do somersaults or flips on the trampoline.

### **Rationale / Explanation**

*Trampolines pose serious safety hazards. The CPSC estimates that in 1998 95,000 injuries associated with trampolines were treated in hospital emergency rooms. About 75% of the victims are under 15 years of age, and 10% are under 5 years of age. The hazards that result in injuries and deaths include:*

- Falling or jumping off the trampoline.
- Falling on the trampoline springs or frame.
- Colliding with another person on the trampoline.
- Landing improperly while jumping or doing stunts on the trampoline.

### **Enforcement**

*This rule includes above-ground trampolines and built into the ground trampolines.*

*Always Level 2B Noncompliance.*

### **Licensed Family 90-6:**

(14) If there is a trampoline on the premises that is accessible to any child in care, the licensee shall ensure compliance the following requirements:

- (d) The trampoline must have shock absorbing pads that completely cover its springs, hooks, and frame.

### **Residential Certificate 50-6:**

(14) If there is a trampoline on the premises that is accessible to any child in care, the certificate holder shall ensure compliance the following requirements:

- (d) The trampoline must have shock absorbing pads that completely cover its springs, hooks, and frame.

## R430-90-6, R430-50-6. OUTDOOR ENVIRONMENT.

### Rationale / Explanation

Trampolines pose serious safety hazards. The CPSC estimates that in 1998 95,000 injuries associated with trampolines were treated in hospital emergency rooms. About 75% of the victims are under 15 years of age, and 10% are under 5 years of age. The hazards that result in injuries and deaths include:

- Falling or jumping off the trampoline.
- Falling on the trampoline springs or frame.
- Colliding with another person on the trampoline.
- Landing improperly while jumping or doing stunts on the trampoline.

### Enforcement

*This rule includes above-ground trampolines and built into the ground trampolines.*

*Always Level 2B Noncompliance.*

### **Licensed Family 90-6:**

- (14) If there is a trampoline on the premises that is accessible to any child in care, the licensee shall ensure compliance the following requirements:**
- (e) The trampoline must be placed at least 6 feet away from any structure, including playground equipment, trees, and fences.**

### **Residential Certificate 50-6:**

- (14) If there is a trampoline on the premises that is accessible to any child in care, the certificate holder shall ensure compliance the following requirements:**
- (e) The trampoline must be placed at least 6 feet away from any structure, including playground equipment, trees, and fences.**

### Rationale / Explanation

Trampolines pose serious safety hazards. The CPSC estimates that in 1998 95,000 injuries associated with trampolines were treated in hospital emergency rooms. About 75% of the victims are under 15 years of age, and 10% are under 5 years of age. The hazards that result in injuries and deaths include:

- Falling or jumping off the trampoline.
- Falling on the trampoline springs or frame.
- Colliding with another person on the trampoline.
- Landing improperly while jumping or doing stunts on the trampoline.

### Enforcement

*This rule includes above-ground trampolines and built into the ground trampolines.*

*Always Level 2B Noncompliance.*

### **Licensed Family 90-6:**

- (14) If there is a trampoline on the premises that is accessible to any child in care, the licensee shall ensure compliance the following requirements:**
- (f) There shall be no ladders near the trampoline.**

## **R430-90-6, R430-50-6. OUTDOOR ENVIRONMENT.**

### **Residential Certificate 50-6:**

- (14) If there is a trampoline on the premises that is accessible to any child in care, the certificate holder shall ensure compliance the following requirements:
- (f) There shall be no ladders near the trampoline.

### **Rationale / Explanation**

*Trampolines pose serious safety hazards. The CPSC estimates that in 1998 95,000 injuries associated with trampolines were treated in hospital emergency rooms. About 75% of the victims are under 15 years of age, and 10% are under 5 years of age. The hazards that result in injuries and deaths include:*

- *Falling or jumping off the trampoline.*
- *Falling on the trampoline springs or frame.*
- *Colliding with another person on the trampoline.*
- *Landing improperly while jumping or doing stunts on the trampoline.*

### **Enforcement**

*This rule includes above-ground trampolines and built into the ground trampolines.*

*Always Level 2D Noncompliance.*

### **Licensed Family 90-6:**

- (14) If there is a trampoline on the premises that is accessible to any child in care, the licensee shall ensure compliance the following requirements:
- (g) No child in care shall be allowed to play under an above ground trampoline when it is in use.

### **Residential Certificate 50-6:**

- (14) If there is a trampoline on the premises that is accessible to any child in care, the certificate holder shall ensure compliance the following requirements:
- (g) No child in care shall be allowed to play under an above ground trampoline when it is in use.

### **Rationale / Explanation**

*Trampolines pose serious safety hazards. The CPSC estimates that in 1998 95,000 injuries associated with trampolines were treated in hospital emergency rooms. About 75% of the victims are under 15 years of age, and 10% are under 5 years of age. The hazards that result in injuries and deaths include:*

- *Falling or jumping off the trampoline.*
- *Falling on the trampoline springs or frame.*
- *Colliding with another person on the trampoline.*
- *Landing improperly while jumping or doing stunts on the trampoline.*

### **Enforcement**

*This rule includes above-ground trampolines and built into the ground trampolines.*

*Always Level 2B Noncompliance.*

### **Licensed Family 90-6:**

- (14) If there is a trampoline on the premises that is accessible to any child in care, the licensee shall



## **R430-90-6, R430-50-6. OUTDOOR ENVIRONMENT.**

ensure compliance the following requirements:

- (h) A parent of each child in care who uses the trampoline shall sign a Department-approved permission form before his or her child uses the trampoline.

### **Residential Certificate 50-6:**

(14) If there is a trampoline on the premises that is accessible to any child in care, the certificate holder shall ensure compliance the following requirements:

- (h) A parent of each child in care who uses the trampoline shall sign a Department-approved permission form before his or her child uses the trampoline.

### **Rationale / Explanation**

*Trampolines pose serious safety hazards. The CPSC estimates that in 1998 95,000 injuries associated with trampolines were treated in hospital emergency rooms. About 75% of the victims are under 15 years of age, and 10% are under 5 years of age. The hazards that result in injuries and deaths include:*

- *Falling or jumping off the trampoline.*
- *Falling on the trampoline springs or frame.*
- *Colliding with another person on the trampoline.*
- *Landing improperly while jumping or doing stunts on the trampoline.*

### **Enforcement**

*This rule includes above-ground trampolines and built into the ground trampolines.*

*Always Level 4 Noncompliance.*

### **Licensed Family 90-6:**

(14) If there is a trampoline on the premises that is accessible to any child in care, the licensee shall ensure compliance the following requirements:

- (i) The trampoline shall be placed over grass or six inches of protective cushioning, which shall extend six feet from the perimeter of the trampoline frame.

### **Residential Certificate 50-6:**

(14) If there is a trampoline on the premises that is accessible to any child in care, the certificate holder shall ensure compliance the following requirements:

- (i) The trampoline shall be placed over grass or six inches of protective cushioning, which shall extend six feet from the perimeter of the trampoline frame.

### **Rationale / Explanation**

*Trampolines pose serious safety hazards. The CPSC estimates that in 1998 95,000 injuries associated with trampolines were treated in hospital emergency rooms. About 75% of the victims are under 15 years of age, and 10% are under 5 years of age. The hazards that result in injuries and deaths include:*

- *Falling or jumping off the trampoline.*
- *Falling on the trampoline springs or frame.*
- *Colliding with another person on the trampoline.*
- *Landing improperly while jumping or doing stunts on the trampoline.*

## **R430-90-6, R430-50-6. OUTDOOR ENVIRONMENT.**

### **Enforcement**

*This rule includes above-ground trampolines and built into the ground trampolines.*

*Always Level 2B Noncompliance.*

### **Licensed Family 90-6:**

- (15) Outdoor stationary play equipment used by any child in care shall be located over grass or 6" of protective cushioning, in a 3' use zone.
- (a) If sand, gravel, or shredded tires are used as protective cushioning, the licensee shall ensure that the material is periodically checked for compaction, and if compacted, shall loosen the material to the required depth.
  - (b) The licensee shall have until 1 September 2013 to meet the 3' use zone requirement.

### **Residential Certificate 50-6:**

- (15) Outdoor stationary play equipment used by any child in care shall be located over grass or 6" of protective cushioning. If sand, gravel, or shredded tires are used as protective cushioning, the certificate holder shall ensure that the material is periodically checked for compaction, and if compacted, shall loosen the material to the required depth.

### **Rationale / Explanation**

*These rules are based on guidelines from the Consumer Product Safety Commission, which are designed to prevent serious head injuries or other life threatening injuries to children. A use zone is the area beneath and surrounding a play structure or piece of equipment that is designated for unrestricted movement around the equipment, and onto which a child falling from or exiting the equipment could be expected to land. CFOC, pg. 256 Standard 5.172*

*Protective cushioning is material that is placed in the use zones under and around stationary play equipment in order to cushion a child's fall from the equipment. Acceptable cushioning materials include the following: sand, gravel, shredded tires, shredded wood products, and unitary cushioning material*

*This rule is based on guidelines from the Consumer Product Safety Commission. Improper cushioning material under playground equipment is the leading cause of playground related injuries. Over 70% of all accidents on playgrounds are from children falling. Hard surfaces such as concrete, blacktop, or packed earth are not acceptable under most play equipment. A fall onto one of these hard surfaces could be life threatening. CFOC, pgs. 216-217 Standard 5.075; pgs. 259-260 Standard 5.183*

### **Enforcement**

*If gravel is used as protective cushioning, it must be small or medium gravel, which means the gravel pieces are rounded and ½ inch or less in diameter.*

*If shredded wood products, shredded rubber, or unitary rubber mats are used as protective cushioning, the provider needs documentation that the material meets ASTM standards.*

*The 3' use zone extends all the way up to the height of the equipment.*

*Level 1B Noncompliance if the equipment is over concrete, blacktop, or packed earth.*

## R430-90-6, R430-50-6. OUTDOOR ENVIRONMENT.

Level 2D Noncompliance otherwise.

### **Licensed Family 90-6**

- (16) There shall be no openings of a size greater than 3-1/2 by 6-1/4 inches and less than 9 inches in diameter on or within the use zone of any piece of stationary play equipment where the feet of any child in care whose head is entrapped in the opening cannot touch the ground.

### **Residential Certificate 50-6:**

- (16) There shall be no openings of a size greater than 3-1/2 by 6-1/4 inches and less than 9 inches in diameter on any piece of stationary play equipment where the feet of any child in care whose head is entrapped in the opening cannot touch the ground.

### **Rationale / Explanation**

Openings that fit these dimensions are called "entrapment hazards". An entrapment hazard is an opening that a child's body could fit through, but not their head. Children often enter openings feet first and attempt to slide through the opening. If the opening is not large enough it may allow the body to pass through the opening and entrap the head. When the ground forms the lower boundary of an opening, it is not considered to be a head entrapment hazard. This rule is based on guidelines from the Consumer Product Safety Commission, which are intended to prevent injury to children. CFOC, pgs. 216-217 Standard 5.075; pg. 261 Standard 5.186

### **Enforcement**

This rule does not include openings where one of the edges of the opening is on the ground. It only includes entrapment hazards where a child's feet cannot touch the ground. Licensors should use the following measurements, taken from the ground up to the bottom of the entrapment hazard, to determine if the entrapment hazard is in a place where a child's feet could not touch the ground.

- If the licensee/certificate holder accepts infants and toddlers: more than 23 1/4 inches above the ground
- If the licensee/certificate holder accepts two-year-olds through pre-school: more than 25 1/4 inches above the ground
- If the licensee/certificate holder only accepts school age children: more than 33 inches above the ground

Always Level 1D Noncompliance.

### **Licensed Family 90-6, and Residential Certificate 50-6:**

- (17) There shall be no protrusion hazard or strangulation hazard in or adjacent to the use zone of any piece of stationary play equipment.

### **Rationale / Explanation**

This rule is based on guidelines from the Consumer Product Safety Commission, which are intended to prevent injury to children.

A strangulation hazard is something on which a child's clothes or something around a child's neck could become caught on a component of playground equipment. A protrusion hazard is a component or piece of hardware that could impale, cut, or bruise a child if the child falls against it. For example, a screw sticking out of a piece of playground equipment. Some protrusions are also capable of catching strings or items of clothing which might be

## **R430-90-6, R430-50-6. OUTDOOR ENVIRONMENT.**

worn around a child's neck. This type of protrusion is especially hazardous because it could result in strangulation.

Other examples of protrusion and strangulation hazards include bolt ends that extend more than two threads beyond the face of the nut, hardware configurations that form a hook or leave a gap or space between components, and open "S" type hooks. Special attention should be paid to the area at the top of slides and sliding devices. Ropes should be anchored securely at both ends, and should not be capable of forming a loop or a noose. If they do not meet these criteria, they pose a strangulation hazard. CFOC, pgs. 216-217 Standard 5.075; pg. 260 Standard 5.185

### **Enforcement**

Specific strangulation hazards licensors should check for include:

- A bolt, screw, or other "protrusion" that passes the protrusion gauge test, but which increases in size or diameter as it moves away from the surface. (For example, a bolt with a washer on the outside of a nut, where the washer is greater in diameter than the nut. Or, a bolt with a large bolt head, where the bolt head is not flush with the surface.)
- Bolt ends that extend more than two threads beyond the face of the nut.
- On slides: a gap on the top or sides of a slide that the 1/8", 2" diameter protrusion gauge could pass all the way through.
- On "S" hooks: a gap in an "S" hook that a dime could fit into.
- Hanging ropes, cords, or chains longer than 12" that can make a loop 5" in diameter, **except** ropes, cords, or chains with swings attached to the bottom of them.

Directly adjacent to the use zone of a piece of stationary play equipment means within 6 inches of the perimeter of the use zone.

Level 1D Noncompliance if there is a strangulation hazard.

Level 3B Noncompliance if there is a protrusion hazard.

### **Licensed Family 90-6, and Residential Certificate 50-6:**

**(18) There shall be no crush, shearing, or sharp edge hazards in or adjacent to the use zone of any piece of stationary play equipment.**

### **Rationale / Explanation**

This rule is based on guidelines from the Consumer Product Safety Commission, which are intended to prevent injury to children.

A crush hazard is created when two parts of a piece of play equipment come together in such a way that they could crush a child's fingers, toes, or other body parts. A shearing hazard is created when two parts of a piece of play equipment move against each other in such a way that they could sever a child's fingers or other body parts. A sharp edge hazard is created when there is a sharp point or edge on a piece of play equipment that could cut or puncture a child's skin. CFOC, pgs. 216-217 Standard 5.075; pg. 260 Standard 5.184, 5.185

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### **Enforcement**

*Directly adjacent to the use zone of a piece of stationary play equipment means within 6 inches of the perimeter of the use zone.*

*Always Level 2D Noncompliance .*

### **Licensed Family 90-6:**

- (19) There shall be no tripping hazards, such as concrete footings, tree stumps, exposed tree roots, or rocks within the use zone of any piece of stationary play equipment.

### **Rationale / Explanation**

*This rule is based on guidelines from the Consumer Product Safety Commission, which are intended to prevent injury to children. CFOC, pgs. 216-217 Standard 5.075*

### **Enforcement**

*Trip hazards in use zones may be created by: concrete footings, tree stumps, or large rocks.*

*Always Level 3D Noncompliance.*

### **Licensed Family 90-6:**

- (20) The licensee shall ensure that outdoor play areas and outdoor play equipment are maintained to protect each child's safety.

### **Residential Certificate 50-6:**

- (19) The certificate holder shall ensure that outdoor play areas and outdoor play equipment are maintained to protect each child's safety.

### **Rationale / Explanation**

*Proper maintenance of outdoor play areas and outdoor play equipment is a key factor in ensuring a safe play environment for children. Each outdoor play area is unique and requires a routine maintenance check program developed specifically for that outdoor play area. CFOC, pgs. 216-217 Standard 5.075; pgs. 262-263 Standard 5.194, 5.196*

### **Enforcement**

*Adequate maintenance includes the following:*

- *Ensuring that there are no missing, bent, broken, or worn out components that could cause equipment to fail.*
- *Ensuring that all hardware is secure, and there are no missing nuts or bolts.*
- *Ensuring that equipment does not have excessive wear that could cause the equipment, or a component of it, to fail.*
- *Ensuring that metal is not rusted or corroded to the point that it could cause the structure to fail.*
- *Ensuring that all equipment and equipment parts are stable.*
- *Ensuring that protective cushioning material (sand, gravel, or shredded tires) is periodically loosened as needed.*

### **R430-90-6, R430-50-6. OUTDOOR ENVIRONMENT.**

*Compaction of protective cushioning occurs when sand or gravel becomes packed and hard, so that it does not provide adequate cushioning. This is different than compaction of shredded wood products. Compaction of shredded wood products is desirable, as it actually improves the cushioning ability of the material.*

*Level 2B Noncompliance: If the lack of maintenance could cause equipment failure.*

*Level 3D Noncompliance otherwise.*